

Message Text

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E.O. 11652: GDS

TAGS: PLOS, UK

SUBJECT: LOS - US/UK SCIENCE BILATERAL DISCUSSIONS

REF: LONDON 12363

1. BUSBY AND EMBOFF CLAPPIN MET WITH BRIAN TAYLOR, UK LOS
DEL SCIENCE REP PM 18 AUGUST. DISCUSSION FOCUSED ON US
PROPOSED AMENDMENTS TO SCIENCE AND TECHNOLOGY TRANSFER TEXT.
TAYLOR HAD PERSONALLY RECEIVED US AMENDMENTS SEVERAL DAYS
BEFORE, AND ALTHOUGH HE HAD OBVIOUSLY NOT STUDIED THEM IN
DETAIL, WAS GENERALLY FAMILIAR WITH THEIR PROVISIONS AND
STATED HE HAD HELD PRELIMINARY DISCUSSIONS WITH OTHER
AGENCIES OF THE UKG.

2. TAYLOR STATED HIS INITIAL IMPRESSION OF US AMENDMENTS
ON MARINE SCIENCE TEXT WAS THAT THEY WERE "STAGGERING",
AND HE QUESTIONED WHETHER IT WAS NOT LIKELY TO BE "COUNTER-
PRODUCTIVE" FOR THE US TO PROPOSE SUCH RADICAL SURGERY ON
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THE SINGLE TEXT. THE UK FELT THAT L-29, TABLED BY MEXICO,

COLOMBIA, EL SALVADOR, AND NIGERIA AT THE CLOSE OF THE GENEVA SESSION HAD REPRESENTED A REAL ATTEMPT AT COMPROMISE BETWEEN THE GROUP OF 77 AND THE US POSITIONS, AND THAT OUR AMENDMENTS WERE A REJECTION OF THAT COMPROMISE.

3. REGARDING SPECIFIC AMENDMENTS ON MARINE SCIENCE TEXT, TAYLOR MADE FOLLOWING POINTS:

A. ART 1: THE UK IS PREPARED TO LIVE WITH THE DEFINITION OF MARINE SCIENTIFIC RESEARCH AS IT IS PRESENTLY DRAFTED. TAYLOR UNDERSTOOD OUR CONCERN IN THIS REGARD AND STATED PERSONAL OPINION THAT UKG WOULD PROBABLY ALTER ITS POSITION TO CONFORM WITH OURS FOLLOWING ADDITIONAL INTERNAL DISCUSSION OF THE ISSUE. HE PROMISED TO RAISE ISSUE AND PROPOSED FOLLOW-UP DISCUSSION IN GENEVA PRIOR TO CONVENING OF EVENSEN GROUP.

B. ART 2: TAYLOR LISTENED WITH INTEREST TO EXPLANATION OF AMENDMENT, BUT WAS NON-COMMITAL AS TO UK POSITION.

C. ART 14-15: TAYLOR, ALTHOUGH HOLDING FAST TO UK POSITION OF ADVOCATING CONSENT FOR SHELF RESEARCH, APPEARED IMPRESSED WITH ARGUMENT THAT AN EXPANSION OF COASTAL STATE JURISDICTION TO INCLUDE COMPETENCE OVER SCIENTIFIC RESEARCH ON THE MARGIN BEYOND 200 MILES COULD ENDANGER OUR MUTUAL EFFORTS TO OBTAIN A SATISFACTORY SOLUTION TO THE QUESTION COASTAL STATE RESOURCE JURISDICTION. HE STATED THAT UK POSITION ON THE SHELF WAS OF GREAT IMPORTANCE AND DIRECTLY RELATED TO THIS ISSUE AND THAT HE WOULD PASS US COMMENTS ALONG.

D. ART 16: THE UK WILL SUPPORT THE US AMENDMENT IN PRINCIPLE, BUT WOULD MODIFY IT TO INCLUDE A REFERENCE TO THE CONTINENTAL SHELF.

E. ART 19: CONCERNING PARA I OF THE PROPOSED US AMENDMENT, THE UK BELIEVES THAT THE SINGLE TEXT AS DRAFTED IS MORE RESTRICTIVE ON THE COASTAL STATE'S RIGHT TO OBJECT THAN THE US AMENDMENT, WHICH ENUMERATES

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THREE CONDITIONS FOR OBJECTION. TAYLOR STATED THIS WAS AN OPINION OF THE LEGAL DIVISION OF THE FOREIGN OFFICE, AND STATED HE WOULD QUERY THEM AGAIN. REGARDING THE FACT-FINDING PROCEDURE PROPOSED IN PARAS 2 AND 3 OF THE US AMENDMENT, TAYLOR STATED THAT THE UK WAS ACTIVELY PREPARING A "PAPER DEALING WITH DISPUTE SETTLEMENT" AND THAT HE COULDN'T ACCURATELY ASSESS THEIR ATTITUDE ON THE PROPOSED US AMENDMENT UNTIL COMPLETION OF THAT

EFFORT.

F. ARTS 18, 20-22: TAYLOR, ALTHOUGH UNDER-
STANDING US DIFFICULTY WITH THESE ARTICLES IN THE SINGLE
TEXT, WAS SKEPTICAL THAT OUR EMENDMENTS WERE NEGOTIABLE.
HE EQUATED THE SYSTEM WE ARE PROPOSING WITH THAT UNDER
DISCUSSION IN COMMITTEE I AND STATED THAT THE DEVELOP-
ING COUNTRIES CONSIDER THAT THEY HAVE COMPETENCE TO
CONTROL "EXPLORATION" AS A RIGHT UNDER PART II OF THE
SINGLE TEXT. HE INDICATED SOME PERSONAL SYMPATHY FOR
OUR EFFORTS TO MORE CLEARLY DEFINE THE DIFFERENCE
BETWEEN CONSENT AND NON-CONSENT ACTIVITIES,
BUT FELT OUR AMENDMENTS AS DRAFTED WOULD NOT BE SERIOUSLY
CONSIDERED, AND SUGGESTED THAT WE ATTEMPT TO REDRAFT
USING DIFFERENT TERMINOLOGY. WHEN ASKED IF HE HAD ANY
SPECIFIC LANGUAGE TO PROPOSE, HE STATED THAT ALTHOUGH
HE WAS NOT AT ALL SURE WHETHER THE UKG COULD AGREE WITH
OUR APPROACH ON THIS ISSUE, HE WOULD GIVE THE MATTER SOME
CONSIDERATION AND ATTEMPT TO DRAFT LANGUAGE WHICH WE
COULD DISCUSS IN GENEVA.

G. ART 25: AFTER AN INITIAL
PROBE TO ASSURE THAT THE US HAD NOT SOFTENED ITS POSITION
WITH REGARD TO RESEARCH IN THE INTERNATIONAL AREA,
TAYLOR MERELY COMMENTED THAT THE UK DID NOT FEEL SO
STRONGLY ON THIS ISSUE.

H. ART 26: TAYLOR STATED THAT THE MODIFICA-
TION PROPOSED BY THE US TO THIS ARTICLE WAS A
MATTER OF LEGAL INTERPRETATION, AND STATED HE WOULD
SEEK GUIDANCE FROM THE FOREIGN OFFICE.

I. ARTS 28-33: THE UK WILL SUPPORT DELETION
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OF THESE ARTICLES.

J. ART 35: THE UK WILL SUPPORT DELETION OF
PARA 3 OF THIS ARTICLE AND TAYLOR STATES THAT UK WILL
"LEAD THE FIGHT ON THIS ONE."

4. AT TAYLOR'S SUGGESTION, THERE WAS A BRIEF DISCUSSION
OF THE TECHNOLOGY TRANSFER TEXT AND THE US PORPOSED
AMENDMENTS. THE UK DOES NOT AGREE WITH THE US PROPOSAL
TO DELETE PHRASE QUOTE WITHIN THEIR CAPABILITIES UNQUOTE,
AND TAYLOR STATED THEY WOULD NOT SUPPORT IT. AS A
PROCEDUREAL MATTER, UK AGREES WITH A DELETION OF ARTS
8 AND 9 ALTHOUGH TAYLOR RESERVED ON THE SUBSTANCE.
THE UK WOULD PREFER TO RETAIN THE REFERENCE TO THE
INTERNATIONAL SEABED AUTHORITY IN ART 10, FEELING THAT

IT IS A SOP TO THE DEVELOPING COUNTRIES. TAYLOR
PERSONALLY AGREED WITH US COMMENT ON ART 11(G), BUT
FELT UK MIGHT ATTEMPT A RE-DRAFT RATHER THAN A DELETION.
AS A GENERAL COMMENT, TAYLOR POINTED OUT THAT ALTHOUGH
THE UK UNDERSTOOD US DESIRES TO LIMIT THE SCOPE OF THESE
ARTICLES TO MARINE SCIENCE TECHNOLOGY, THIS WAS NOT
THE POSITION OF AMNY OF THE EUROPEAN COUNTRIES.
THIS DIVERGENCE OF POSITION AMONG INDUSTRIAL NATIONS
CONCERNED THE UK, AND THEY WOULD LIKE TO SEE A MORE
ASSERTIVE ROLE BY THE US IN RESOLVING THE ISSUE.
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